

**IN THE UNITED STATES DISTRICT COURT
FOR WESTERN DISTRICT OF PENNSYLVANIA**

MICHAEL W. HILL,

Plaintiff,

vs.

UNITED STATES OF AMERICA,

JOHN J. LAMANNA,

WILLIAM K. COLLINS,

MARTY SAPKO,

STEPHEN HOUSLER,

ROBERT KLARK,

ROBERT REOME,

BETH FANTASKEY, and

DEBORAH FORSYTH,

Defendants

) Docket No. 03-323E

) (Judge Susan Paradise Baxter)

)

) ELECTRONICALLY FILED PLEADING

)

) AFFIDAVIT PURSUANT TO

) FED.R.CIV.PRO. 56(f) IN OPPOSITION TO

) DEFENDANTS' MOTION FOR SUMMARY

) JUDGMENT

)

) Filed on behalf of: Plaintiff Michael W. Hill

)

) Counsel of record for this party:

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**AFFIDAVIT PURSUANT TO FED.R.CIV.P 56(f) IN OPPOSITION
TO DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

I, Richard A. Lanzillo, attorney for Michael W. Hill, hereby state the following pursuant to Fed.R.Civ.P. 56(f):

1. This action is presently pending before the Honorable Magistrate Judge Susan Paradise Baxter and involves claims arising out of injuries and constitutional violations sustained by Plaintiff while he was incarcerated at FCI McKean.

2. The pleadings remain open. Defendants have not filed an Answer to Plaintiff's Amended Complaint. Instead, Defendants have filed what they have styled as a Motion to Dismiss or, in the Alternative, for Summary Judgment (the "Motion").

3. Defendants' Motion makes a number of factual allegations with which Plaintiff disagrees.

4. Given the procedural posture of this case, Plaintiff has not had the opportunity to conduct any discovery to support his claims.

5. Plaintiff requires discovery to support his claims and refute the factual allegations made by Defendants in support of their Motion.

6. Among other subjects, Plaintiff requires discovery concerning the following issues raised in Defendants' Motion;

(a) the working conditions existing at the UNICOR facility at FCI McKean during the period of time that Plaintiff was assigned to work at the facility; and

(b) the quality of the medical/dental care that Plaintiff received while at FCI McKean.

7. Plaintiff requires this discovery to be able to respond fully to Defendants' alternative request for summary judgment.

Respectfully submitted,

KNOX McLAUGHLIN GORNALL &
SENNETT, P.C.

BY: /s/ Richard A. Lanzillo, Esq.

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